THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.15442 OF 2006

DATED: 12-02-2007

BETWEEN

V. Penta Reddy, S/o. Raghava Reddy,
R/o.1-11-35/2, Near Water Tank,
Alwal, Secunderabad.

...PETITIONER

AND

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner questions the order of the Government in issuing G.O.Ms.No.598 dated 26.05.2006 amending distance rule in respect of retail shops as illegal and arbitrary.

2. This Court while admitting the writ petition on 25.07.2006 directed the respondents to issue licence to the petitioner without having regard to the amended Rule 27, provided he is otherwise eligible and such licence shall be subject to further orders in the main writ petition. It is stated that the issue raised in this writ petition was considered by the Division Bench of this Court in W.P.No.13042 of 2006 and batch which were disposed by order dated 28.08.2006 wherein the contentions of the petitioners were rejected and the writ petitions were dismissed and the interim passed in the cases were vacated. However, keeping in view of the fact that petitioners therein have succeeded in obtaining licences in furtherance of interim orders passed by the learned Single Judge,

the petitioners were granted one month time for shifting the shops from the present locations and bring them in conformity with amended Rule 27(1) of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of Licence) Rules, 2005 (for short 'the Shop Rules, 2005'). If the petitioners fail to shift the shops from the present site and bring the same in conformity with amended Rule 27 within one month, then the competent authority shall cancel their licences and ensure that the shops are closed. It is stated that pursuant to the said judgment dated 28.08.2006 the petitioner herein was also put on notice vide proceedings dated 16.10.2006 for selecting alternative premises in conformity with Rule 27(1) of the Shop Rules, otherwise the licence shall be cancelled.

3. As the issue raised in this writ petition is squarely covered by the Division Bench judgment of this Court in W.P.No.13042 of 2006 and batch dated 28.08.2006, wherein the writ petitions were dismissed, following the same this writ petition is also dismissed.

4. However, as the petitioner was already put on notice and as the petitioner could not shift his shop; the petitioner is granted ten more days' time from today to select suitable alternative premises in conformity with Rule 27(1) of the Shop Rules, 2005; to shift his shop.

If the petitioner is unable to shift the shop, it is open for the respondents to cancel his licence and close the shop. There shall be no order as to costs.

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V. ESWARAIAH, J

February 12, 2007
DSK